

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

Mail Processing Network Rationalization
Service Changes, 2012

Docket No. N2012-1

AMERICAN POSTAL WORKERS UNION, AFL-CIO,
MOTION FOR ACCESS TO
NON-PUBLIC INFORMATION IDENTIFIED
AS USPS-LR-N2012-1/NP27
(May 17, 2012)

Pursuant to 39 CFR 3007.40 and Rule 21 of the Commission's Rules of Practice and Procedure, the American Postal Workers Union, AFL-CIO (APWU) hereby moves for access Postal Service Library Reference USPS-LR-N2012-1/NP27, Material Supporting Response of Postal Service Witness Martin to Question 6 of Presiding Officer's Information Request No. 7.

The Postal Service submitted Library Reference USPS-LR-N2012-1/NP27 on May 14, 2012, accompanied by an Application for non-public treatment. In its Application, the Postal Service explains that "the materials covered by this application consist of data on the estimated annual mileage, annual cost, and cost per mile expected for routes associated with specific AMPs. These data were derived from AMP studies provided in library reference USPS-LR-N2012-1/NP16."¹ The Postal Service states that Library Reference USPS-LR-N2012-1/NP27 contains "commercial information revealing, for each route reviewed under selected AMP studies, the proposed annual mileage, annual cost, and cost per mile expected upon implementation of the AMP proposal" which would not be voluntarily published by a commercial enterprise.² The Postal Service claims that if this information were publicly disclosed "it is quite likely that it would suffer commercial harm" because this information is clearly commercially sensitive to the Postal Service as a

¹ Application of United States Postal Service for Non-Public Treatment of Library Reference USPS-LR-N2012-1/NP27 (May 14, 2012).

² Id. at 2.

contractor of transportation services.”³ The Postal Service requests that these materials “be withheld from persons involved in the negotiating and bidding processes for the provision of HCR transportation services to the Postal Service, as well as their consultants and attorneys.”⁴

While APWU does not dispute that commercially sensitive information, if disclosed to competitors, could result in commercial harm to the Postal Service, the APWU is not a competitor in the usual sense. The USPS and APWU Collective Bargaining Agreement has a number of provisions concerning the interplay between contracted and in-house transportation of mail that may result in APWU bargaining unit employees performing more or less transportation. The APWU contractual provisions and access to this information poses no risk to the commercial success of the Postal Service.

APWU is the exclusive collective bargaining representative of postal employees in the clerk, maintenance, and motor vehicle service crafts nationwide. APWU also mails millions of letters, periodicals, and packages each year and APWU members and retirees make extensive use of postal products and services. The changes proposed in this docket could have a significant impact on APWU represented employees and on the APWU and its members as a large user of the mail. Accordingly, APWU has intervened and has participated actively in this docket. APWU has also submitted rebuttal testimony in this docket. Parties should be entitled to the material relevant to a full evaluation of the Postal Service’s plan in this docket. We believe that the information presented in USPS-LR-N2012-1/NP27 will inform our arguments on brief at the conclusion on this case. Furthermore, APWU representative, consultants and attorneys have already been granted access to information similar to that provided in USPS-LR-N2012-1/NP27. See POR No. N2012-1/1 (December 14, 2011); POR No. N2012-1/2 (December 22, 2011); POR No. N2012-1/7 (January 20, 2012); POR No. N2012-1/8 (January 25, 2012); POR No. N2012-1/11 (February 7, 2012); POR No. N2012-1/12 (February 12, 2012); POR No. N2012-1/14 (February 21, 2012); POR No. N2012-1/18 (March 1, 2012); POR No. N2012-1/47 (April 24, 2012). Therefore APWU respectfully requests access to Library References USPS-LR-N2012-1/NP27.

³ Id. at 4.

⁴ Id. at 5.

In accordance with 39 CFR 3007.40(b), APWU representatives, consultants and attorneys have completed a Statement of Compliance with Protective Conditions Certification, found in Appendix A to Part 3007 of Title 39 of the Code of Federal Regulations, for Library Reference USPS-LR-N2012-1/NP27 as follows:

Phillip A. Tabbita,
Manager, Negotiation Support and Special Projects
American Postal Workers Union, AFL-CIO

Jennifer L. Wood, Esq.
O'Donnell, Schwartz & Anderson, PC
Counsel for the American Postal Workers Union, AFL-CIO

Barbara Zibordi
Paralegal
O'Donnell, Schwartz & Anderson, PC

Robert M. Bloomer, Jr.
American Postal Workers Union
National Business Agent

William Mellen
American Postal Workers Union
National Business Agent

Pierre Kacha
Decision/Analysis Partners
Consultant for American Postal Workers Union, AFL-CIO

Donald M. Baron
Decision/Analysis Partners
Consultant for American Postal Workers Union, AFL-CIO

Kyle Stamper
Commonwealth Computer Research, Inc.
Systems Engineer
Decision/Analysis Partners

Jim Lynch
Shorter Cycles
Senior Consultant
APWU Consultant

A copy of each Certification is attached hereto. The original Certifications will be promptly filed with the Commission. Persons identified by the Postal Service pursuant to Section 3007.2(c) have also been provided with a copy of this Motion and accompanying certifications today by email.

Counsel for APWU has conferred with Postal Service counsel and has been told that the Postal Service has no objection to the above named individuals accessing the materials contained in USPS-LR-N2012-1/NP27. Thus, APWU requests that the Commission waive the normal three-day waiting period required to allow the Postal Service to object and grant immediate access to USPS Library Reference N2012-1/NP27 to the above named individuals.

Conclusion

For the forgoing reasons, APWU respectfully requests that access to Library References USPS-LR-N2012-1/NP27 be immediately granted to the above named individuals.


Respectfully submitted,

Jennifer L. Wood
Counsel for American Postal Workers Union, AFL-CIO

CERTIFICATION

The undersigned represents that:

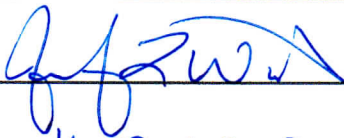
Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP27** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Phillip Tabbita</u>
Firm	<u>American Postal Workers Union, AFL-CIO</u>
Title	<u>Mgr Negotiation Support</u>
Representing	<u>American Postal Workers Union, AFL-CIO</u>
Signature	<u></u>
Date	<u>May 15, 2012</u>

CERTIFICATION

The undersigned represents that:

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Name	<u>Jennifer L. Wood</u>
Firm	<u>O'Donnell, Schwartz and Anderson, P.C.</u>
Title	<u>Attorney</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>16 May 2012</u>

CERTIFICATION

The undersigned represents that:

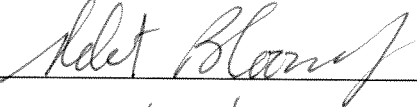
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Name	Barbara Zibordi
Firm	O'Donnell, Schwartz & Anderson, P.C.
Title	Paralegal
Representing	APWU
Signature	<i>Barbara Zibordi</i>
Date	5/15/12

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Name	<u>Robert M. Bloomer, JR.</u>
Firm	<u>American Postal Workers' Union</u>
Title	<u>National Business Agent</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>5/15/12</u>

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Name

William R. Mellen

Firm

APWU

Title

NBA-Clerk Division

Representing

APWU

Signature



Date

5/15/12

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Name Pierre Kacha

Firm decision/analysis partners

Title Consultant

Representing APWU

Signature 

Date May 16, 2012

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Name	<u>Donald M. Baron</u>
Firm	<u>Decision Analysis Partners</u>
Title	<u>Consultant</u>
Representing	<u>APWU</u>
Signature	<u>Donald M. Baron</u>
Date	<u>5/17/2012</u>

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Name	Kyle Stamper
Firm	Commonwealth Computer Research, Inc.
Title	Systems Engineer
Representing	APWU
Signature	
Date	May 15, 2012

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Name

Jim LYNCH

Firm

Shorter Cycles, LLC

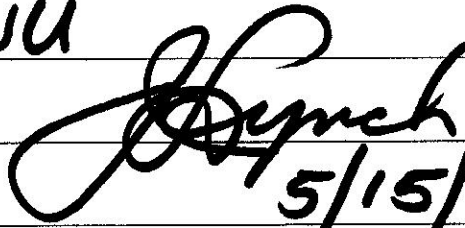
Title

Senior Consultant

Representing

APWU

Signature



Date

5/15/12